

4517. Adulteration and misbranding of "Jamaica Ginger" (extract). U. S. v. Fialla & Eppler, a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 6676. I. S. No. 1094-h.)

On November 8, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fialla & Eppler, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on September 17, 1913, from the State of New York into the State of Pennsylvania, of a quantity of Jamaica ginger, which was adulterated and misbranded. The article was labeled: (Shipping package) "J. H." (Remainder of name illegible) "U. S. Gauger 2 Dist. N. Y. Sept. 17, 1913. Proof 0090 Ginger Fialla & Eppler Inc. Rectifiers & Wholesale Liquor Dealers Ninth Ave. N. Y." (On head) "Ginger Flavor." (Other head) "Fialla & Eppler, New York." (Tin over bung) (Stamp No.) "1255703."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	39.46
Methyl alcohol-----	None.
Ginger: Present.	
Capsicum: Present.	
Total solids (per cent)-----	1.08
Alcohol-soluble solids (per cent)-----	0.65
Water-soluble solids (per cent)-----	1.05
Total solids soluble in alcohol (per cent)-----	60.67
Total solids soluble in water (per cent)-----	97.52
Color: Caramel present.	

The product is a dilute extract of ginger, reinforced with capsicum and colored with caramel.

Adulteration of the article was alleged in the information for the reason that a dilute alcoholic extract of ginger, reinforced with capsicum and artificially colored, had been substituted, in whole or in part, for genuine extract of ginger, which the article purported to be, and for the further reason that the article was an inferior dilute alcoholic extract of ginger reinforced with capsicum and had been colored with caramel in a manner whereby its inferiority to genuine extract of ginger was concealed.

Misbranding was alleged for the reason that the following statement regarding the article or the ingredients or substances contained therein, appearing on the label aforesaid, to wit, "Ginger Flavor," was false and misleading in that it indicated to purchasers thereof, and was such as to deceive and mislead purchasers into the belief, that the article was genuine extract of ginger, when, in truth and in fact, it was not, but was a dilute alcoholic extract of ginger, reinforced with capsicum and artificially colored. Misbranding was alleged for the further reason that the article was a dilute alcoholic extract of ginger, reinforced with capsicum and artificially colored, and was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, Jamaica ginger.

On November 24, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*